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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
NOTICE OF MOTION NO. 609 OF 2006
IN
WRIT PETITION NO. 2225 OF 2005

Salim A. Nanji .. Petitioner

Versus

The Union of India and Ors. .. Respondents

Petitioner in person present.

Mr. Devendra Deshpande i/by Udwadia & Udeshi for R. No. 2.

Dr. Vierndra V. Tulzapurkar, Sr. Counsel with Mr. P.K. Samdani, Sr. Counsel i/by Res Legal for R. No. 3.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED: DECEMBER 20, 2006

P.C.:

. This is a motion by Respondent No. 3 to vacate the interim relief granted by this court on 9.89.2005 and which was continued by order dated 30.1.2006. There is also a prayer for fixing the petition for peremptory hearing.

. We have perused the order of 9.9.2005. We note that the learned Bench of this court had taken a note of the fact that the Hon'ble Supreme Court on 11.10.2004 while granting special leave against order dated 18.9.2003 directed that there will be stay of the action of writing off the debt. That appeal before the Supreme Court was in respect of

similar dues but for the previous financial year. Thereafter the matter came up for confirmation before this court which by order dated 30.1.2006 continued the earlier order of 9.9.2005. The court also noted that the matter was coming up for hearing before the Hon'ble Supreme court.

. By the present motion, the learned counsel draws our attention to the order passed by the Supreme court in transferred case No. 48 of 2005 and also in Civil Appeal No. 6715 of 2004. The appeal as also the transferred petition have been dismissed for the reasons as disclosed in the order passed in Civil Appeal No. 6715 of 2004.

. As the order of this court was basically based on the order of the Supreme court and considering what has been observed by the Supreme Court in our opinion, on account of the subsequent events, this will be a fit case for this court to recall its earlier order. In the light of that, motion made absolute in terms of Prayer Clause (a).

. In so far as Prayer Clause (b) is concerned, Petition to come upon its own turn. Motion disposed of accordingly.

(ANOOP V. MOHTA,J.) **(F.I.REBELLO, J.)**